

CONSTITUTION AND BY LAWS OF THE  
FORT SILL – CHIRICAHUA - WARM SPRINGS - APACHE TRIBE  
(As ratified October 30, 1976, amended April 9, 1977,  
March 11, 1978, May 23, 1981, September 19, 1981,  
October 8, 1994, November 30, 1996, and June 4, 2003)

PREAMBLE

We, the people of the Fort Sill - Chiricahua - Warm Springs - Apache Tribe, in order to establish a responsible and effective organization to promote our general welfare, to conserve and develop our resources, and to establish and safeguard the rights and privileges of the tribe and its Members do hereby adopt the following constitution and bylaws.

ARTICLE I - NAME

The name of this organization shall be the Fort Sill - Chiricahua - Warm Springs - Apache Tribe (the "Tribe").

ARTICLE II - MEMBERSHIP

(Pursuant to Amendments I, II and III, approved 04-9-77 and Amendment X, approved 11-30-96)

Section 1. Membership Criteria. Subject to Section 2 of this Article II, the membership of the Tribe shall consist of the following persons:

- (a) All persons listed as Fort Sill Apache - Chiricahua Apache - Warm Springs Apache on the 1914 Allotment roll (a "Tribal Member") and all Tribal Members enrolled as of the date of this Amendment.
- (b) The biological child of a current Tribal Member (or the biological child of a Tribal Member who was enrolled at the time of his or her death), provided that an application is filed by the parent or legal guardian before the child reaches the age of one (1) year.
- (c) The biological child of a Tribal Member (or the biological child of a Tribal Member who was enrolled at the time of his or her death) who was born before the effective date of adoption of this Amendment shall be eligible to enroll, provided that an application is filed by the parent or legal guardian no less than one (1) day prior to the child's eighteenth (18<sup>th</sup>) birthday, and further provided that an application is filed within one (1) year of this Amendment.
- (d) The biological child of a Tribal Member (or the biological child of a Tribal Member who was enrolled at the time of his or her death) born before the effective date of adoption of this Amendment shall be eligible to enroll. If such a child has been enrolled in another federally recognized tribe, he or she must relinquish the membership in the other federally recognized tribe and apply for membership in the Tribe within on (1) year of the adoption



of this Amendment, provided that he or she apply for membership at least one (1) day prior to his or her eighteenth (18<sup>th</sup>) birthday.

(e) Any person who has been enrolled as a member of another federally recognized tribe shall not be eligible for enrollment in the Tribe other than exceptions listed in Section (d) of this Article.

(f) The Business Committee of the Tribe shall have the authority to enact and adopt an Enrollment Ordinance governing current and future membership and loss of membership, provided that any such ordinance complies with this Constitution.

Section 2. Good Standing with Tribe. A Tribal Member is in Good Standing with the Tribe as long as neither of the following is true:

(a) The Tribal Member was or is found by the Business Committee or a court of competent jurisdiction to be guilty of or liable for any offense against or relating to the Tribe involving theft, conversion, embezzlement, or extortion; or

(b) The Tribal Member has not relinquished membership or has not been disenrolled pursuant to the Membership Ordinance of the Tribe.

### ARTICLE III - GOVERNING BODY

The supreme governing body of the Tribe shall be the General Council which shall consist of all Tribal Members eighteen (18) years of age or older and in Good Standing. There also shall be a Business Committee consisting of a Chairperson, a Vice-Chairperson, a Secretary and three (3) additional Committeepersons, which shall have the powers and shall perform the duties prescribed in Article VII below. Members of the Business Committee shall hold office for four (4) years and its Officers shall also act as Officers of the General Council.

### ARTICLE IV – POWERS OF GENERAL COUNCIL (Pursuant to Amendment XIII, approved 06-04-2003)

Section 1. The General Council. The General Council shall have full power and authority to act for the Tribe in all matters upon which the Tribe is empowered to act now or in the future and such other powers as may have been customary and sanctioned before the adoption of this Constitution. The General Council may delegate specific powers or authority to the Business Committee including, but not limited to the following:

(a) The power to establish or amend a Revenue Allocation Plan for the Tribe.

(b) The power to transfer land, or any interest in land, into trust for the benefit of the Tribe.

(c) The power to establish an Election Code; and



- (d) The power to manage the receipt and application of funds received from the United States government through the Bureau of Indian Affairs.
- (e) The power to make and approve the Budget for the Tribe.

Any action taken with respect to the authority reserved to the General Council by this Constitution shall be made by a referendum vote or a majority vote at an election held in accordance with Article V of this Constitution.

Section 2. General Council Resolutions. The General Council shall act only by passing resolutions expressing their will. Resolutions may be proposed:

- (a) By presenting a resolution to be passed by a majority vote at a General Council meeting; or
- (b) By presenting a petition in favor of a resolution signed by ten percent (10%) of the Fort Sill Apache - Chiricahua Apache - Warm Springs Apache General Council.
- (c) By action of the Business Committee proposing a resolution ratified by a referendum vote of the General Council.

Proposed resolutions and petitions shall bear the exact language proposed. Petitions shall bear the names and signatures of the petitioners and shall be presented to the Tribal Chairperson or, in the event of his or her absence or incapacity, the next Officer in line as prescribed in Article X.

The Tribal Chairperson or, in the event of his or her absence or incapacity, the next Officer in line as prescribed in Article X, shall call a general election to be held within ninety (90) days of the receipt of the valid petition or proposed resolution. If a majority of the voters who cast ballots in the election vote in favor of the proposed action, it shall be passed.

#### ARTICLE V - ELECTIONS

(Pursuant to Amendment VI, approved 05-23-81 and  
Amendment XIII, approved 06-04-2003)

Section 1. Election Timing. The first election under this Amendment to the Constitution and By-Laws shall be held at the Annual Meeting of the General Council next following the effective date of this Amendment. Notwithstanding the provision of Article III of this Constitution and By-Laws that Members of the Business Committee shall hold office for two (2) years, until the first election is held under this Amendment the incumbent Business Committee Members and Officers shall continue to serve in their respective capacities subject, however, to all of the other provisions of this Constitution and By-Laws. For the purpose of providing staggered two (2) year terms for Members of the Business Committee, and notwithstanding the provision of Article III of this Constitution that Members of the Business Committee shall hold office for two (2) years, at the first election under this amendment the Members and Officers of the Business Committee shall be elected for the terms indicated below:



- (a) The Chairperson and two (2) additional Business Committee Members shall be elected for terms of four (4) years each.
- (b) The Vice-Chairperson, the Secretary and one (1) additional Business Committee Member shall be elected for terms of three (3) year each.

In all elections subsequent to the first election under this amendment, the term of office of each Business Committee Officer and Member being elected shall be for a period of four (4) years.

Section 2. Election Process. Officers shall be elected as their terms expire. The Tribal Chairperson or, in the event of his or her absence or incapacity, the next Officer in line as prescribed in Article X shall call special elections, when appropriate or required under this Constitution, to remove, recall, and fill vacancies of elected officials, and submit budgets and resolutions to the General Council.

The conduct for all Tribal elections, including eligibility requirements, shall be prescribed, and provided for by an Election Ordinance adopted by the Fort Sill Apache - Chiricahua Apache - Warm Springs Apache General Council and applied by the Election Committee.

Voting in tribal elections shall be conducted by secret ballot cast at polls operated by the Election Committee.

If there are more than two candidates for an office at any election and no one candidate receives a majority vote, run-off elections between the two candidates receiving the most votes will be held to determine a clear majority of votes.

Absentee voting shall be permitted in accordance with such rules and procedures as established by the Election Ordinance.

Installation of the newly elected Officers shall be performed within ten (10) days from the date the election is certified. Prior to installation, all newly elected Officers shall take the oath of office.

Section 3. Good Standing. All Tribal Members eighteen (18) years of age or over in Good Standing present at the meeting shall be entitled to vote in all elections.

Section 4. Eligible Candidates. All Tribal Members in Good Standing twenty-five (25) years of age or older, who have not been convicted of a felony in a court of competent jurisdiction within the five (5) years preceding the subject election, shall be eligible as candidates for the Business Committee.

Section 5. Filling Vacancies. If a vacancy occurs in the membership of the Business Committee, it shall be filled by an appointee selected by the majority vote of the remaining Members of the Business Committee. If the remaining term is less than one (1) year, the appointee shall serve until the term expires. If the remaining term of office is greater than one year, the appointee shall serve until a special election is conducted for the purpose of filling the remaining unexpired term of said position. Such election shall be called and conducted within ninety (90) days of the vacancy being created.



Section 6. Election Committee. The Business Committee shall appoint an Election Committee consisting of five (5) adult Members of the General Council, to qualify voters, hold elections, certify election results, and settle election disputes other than allegations of impropriety of the Election Committee.

- (a) The term of office for an Election Committee member shall be four (4) years.
- (b) General Council Members who are holding elected office or running for office or the immediate family of an elected official or candidate shall not be eligible to serve as an Election Committee Member.
- (c) The Election Ordinance adopted by the Fort Sill Apache - Chiricahua Apache - Warm Springs Apache General Council will describe in detail the duties and responsibilities of the Election Committee.

#### ARTICLE VI - REMOVAL OF OFFICERS

(Pursuant to Amendment VII, approved 05-23-81, Amendment XII, approved 10-08-94 and Amendment XIII approved 06-04-2003)

##### Section 1. Process for Removal.

- (a) Any Officer or Member of the Business Committee or Election Committee, who is the subject of a removal petition signed by at least five percent (5%) of the General Council, may be removed from office by a majority vote of the General Council after a fair hearing; provided, that each General Council Member must sign his or her own name to the petition and if it is determined that falsified signatures are contained in the petition, the name, if known of the person so falsifying said signatures and the signatures so falsified shall be removed from the petition.
- (b) Any such petition must state with particularity the grounds for removal. Upon receipt of such petition by any Member of the Business Committee, it shall be the duty of the Chairperson or, in the event of his or her absence or incapacity, the next Officer in line as prescribed in Article X, to call and conduct within thirty (30) days a Special Meeting of the Business Committee to act upon any such petition.
- (c) The subject of removal shall be provided with a copy of such petition at least fifteen (15) days in advance of the Special Meeting and at such meeting shall have the right to confront the petitioners and speak in his or her behalf in answer to the petition.
- (d) If the Business Committee deems that the subject of removal should be removed from office, a General Council election shall be called to make the final decision pursuant to the requirements of this Constitution.



## Section 2. Absences/Unexcused

Failure of any Officer or Member of the Business Committee to attend three (3) consecutive meetings, whether such meetings be those of the Business committee or of the General Council or a combination thereof, unless excused by the Business Committee shall automatically result in the removal of such Officer or Member from office and the vacancy so created shall be filled as prescribed in Section 5 of Article V of this Constitution and By-Laws.

## ARTICLE VII - POWERS AND DUTIES OF BUSINESS COMMITTEE

(Pursuant to Amendment XIII, approved 06-04-2003)

The Business Committee shall have the following powers and duties:

- (a) Enrollment. To prescribe enrollment application procedures, receive applications, prepare, and maintain a current Tribal membership roll, and ensure that such roll is available for inspection by election candidates and any Member of the General Council in Good Standing at all reasonable times.
- (b) Budget. To develop annual budgets for the financing of Tribal operations and to present said budgets to the General Council for final consideration as to adoption, rejection or adoption after modification and revision as may be determined by the General Council.
- (c) Tribal Business. To develop proposals which are necessary and appropriate in fulfilling the purposes of the Fort Sill Apache - Chiricahua Apache - Warm Springs Apache Tribe including, but not limited to, programs and proposals relating to Tribal claims, land acquisition, employment, health, education, welfare, public relations, and social, recreational, and historical activities of the Tribe. The Business Committee is hereby authorized to engage in conferences and negotiations with all governmental bodies and any other necessary parties and to take all other appropriate steps necessary in the development of such proposals. Such proposals shall be presented to the General Council for final consideration as to adoption, rejection, or adoption after modification and revision as may be determined by the General Council.
- (d) Progress Reports. To implement, administer and report on the progress of programs or other matters adopted or approved by the General Council.
- (e) Reports. To prepare for delivery to those attending the annual General Council meeting written reports which shall contain a summary of the various activities of the Business Committee, a financial report and a forecast of activities proposed for the coming year.



- (f) Additional Powers or Duties. The Business Committee shall have such additional powers or duties as may be delegated or assigned to it by the General Council by appropriate resolutions.

#### ARTICLE VIII - BILL OF RIGHTS

Section 1. All Tribal Members shall enjoy without hindrance freedom of worship, conscience, speech, press, assembly, and association.

Section 2. This Constitution shall not in any way alter, abridge, or otherwise jeopardize the rights and privileges of the Tribal Members as citizens of the United States and of any state.

Section 3. The individual property rights of any Tribal Member shall not in any way be altered, abridged, or otherwise affected by any provisions of this Constitution and Bylaws.

Section 4. The treaty rights or any other Federal Rights of the Fort Sill Apache - Chiricahua Apache - Warm Springs Apache Tribe shall not in any way be altered, abridged, or otherwise affected by any provision of this Constitution and Bylaws.

Section 5. The enumeration of any rights in this Article shall not be interpreted to limit the rights otherwise guaranteed by the Indian Civil Rights Act of 1968.

#### ARTICLE IX - AMENDMENTS

Amendments to this Constitution and Bylaws may be proposed by a majority vote at a General Council meeting or by a petition signed by thirty percent (30%) of the General Council and presented to the Commissioner of Indian Affairs and shall be approved and ratified in the same manner as this Constitution and Bylaws.

#### BYLAWS

#### ARTICLE X - DUTIES OF OFFICERS

Section 1. Chairperson. The Chairperson shall preside at all meetings of the General Council and of the Business Committee. He or she shall have general supervision of the affairs of the General Council and of the Business Committee and shall perform such duties associated with the office of the Chairperson as may be assigned to him or her by the General Council or the Business Committee.

Section 2. Vice-Chairperson. In the absence or incapacity of the Chairperson, the Vice-Chairperson shall perform the duties of that office. He or she shall represent the Chairperson at outside meetings or at other occasions when called upon to do so. In the case of vacancy of the office of Chairperson, the Vice-Chairperson shall succeed at once to the office of Chairperson until that office is filled by election.



Section 3. Secretary. The Secretary shall see that an accurate account is kept of all proceedings and official records of the General Council and of the Business Committee. The Secretary shall be responsible for prompt and efficient handling of all minute's pertaining to the business of the General Council and the Business Committee. All official records of the Secretary shall be available at reasonable times to inspection by Members of the General Council in the presence of the Secretary. The Secretary, in the absence of the Chairperson and Vice-Chairperson, shall preside at meetings of the General Council and the Business Committee.

Section 4. Transfer of Records. At the expiration of their term of Office, all Officers shall turn over all Tribal records and property in their possession to their successors in office within 30 days of leaving office.

Section 5. Shared Duties of the Business Committee. The Business Committee also shall be the custodian of all funds in possession of the Tribe from any source. The Business Committee shall ensure that an accurate record of all funds and shall make disbursements in accordance with a properly executed resolution of the General Council or the Business Committee, as required.

The accounts and records shall be available at reasonable times for inspection by General Council Members in the presence of at least two (2) Members of the Business Committee. The books of the Secretary shall be subject to audit or inspection at the discretion of the Business Committee or the General Council

#### ARTICLE XI - MEETINGS

(Pursuant to Amendments IV and V, approved 03-11-78,  
Amendment VIII, approved 09-19-81 and Amendment XIII,  
approved 06-04-2003)

Section 1. Annual Meetings. Annual Meetings of the General Council shall be held on the first Saturday in October of each year for the purpose of receiving reports and transacting such other business as may regularly come before the General Council. This amendment shall first apply to the annual meeting for the year 1982.

Section 2. Special Meetings. Special Meetings of the General Council may be called at the discretion of the Chairperson or shall be called by him or her upon written request of at least four (4) Members of the Business Committee or upon the written request of at least ten percent (10%) of the General Council; provided, that at least seven (7) days' notice shall be given of each such Special Meeting.

Section 3. Business Committee Meetings. Meetings of the Business Committee may be called by the Chairperson at such intervals, times and places as may be necessary to conduct the business of the Tribe. Meetings shall be called by the Chairperson for the date, time and place requested by at least four (4) Members of the business committee, with four (4) Members required for a quorum.



All Business Committee meetings shall be open to Members of the General Council and to other persons invited by the Business Committee.

All meetings shall subscribe to principles of parliamentary procedures.

#### ARTICLE XII – ADOPTION AND AMENDMENT

This Constitution and Bylaws and amendments thereto shall be effective when approved by the Commissioner of Indian Affairs and ratified by a majority vote of eligible adults voting in an election called for that purpose by the Commissioner of Indian Affairs under such rules and regulations as he may prescribe.

#### APPROVAL

I, Morris Thompson, Commissioner of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 26, 1936 (49 Stat. 1967), as amended, delegated to me by 230 DM 1.1, do hereby approve the Constitution and Bylaws of the Fort Sill Apache - Chiricahua Apache - Warm Springs Apache Tribe.

Washington, D.C.

Date: August 18, 1976

(Sgd) Morris Thompson

Commissioner of Indian Affairs

Ratified on October 30, 1976, by a vote of 35 for and 11 against

UPDATED: JULY 30, 2003